

46  
October 11, 1943

**LAW LIBRARY**  
**ARIZONA ATTORNEY GENERAL**

Mr. A. Mark Bliss  
County Agricultural Agent  
Willcox, Arizona

Dear Sir:

We have your letter of October 7, in reference to one of your local farmers being directed by the officials of Tucson to secure a peddler's license to sell beans produced on his own farm.

If the produce was raised on the farmer's own farm, the City would have no right to demand a peddler's license.

Sections 49-1301 and 49-1302 read as follows:

"49-1301. Right to sell not to be restricted - Terms defined. The producers of food products on agricultural lands, farms and gardens in this state, shall never under any pretext be denied or restricted in the right to sell and dispose of the same, except in the manner and to the extent herein provided, and subject to inspection by lawful authority, so long as such inspection is uniform as to the same product, and without cost to the producer thereof. "Producer," within the meaning hereof shall include the owners, proprietors or tenants of the agricultural lands, orchards, farms and gardens, whereon or whereby such food products are grown, raised, or prepared for market; "food products," shall include every product of the soil in its natural or manufactured state, and all swine, fowls, eggs and milk, and all products arising therefrom. The right to sell and dispose of such products shall extend to the producer in person, members of his family, his agents, and all persons in his service, as long as such products are sold or disposed of on his behalf and for his benefit."

"49-1302. No license tax or penalty can be imposed on a producer. No tax, license, or other burden or fee shall be imposed or levied upon, demanded or collected from any producer because of any sale of any such products; nor shall any penalty or punishment be imposed upon him on account of any such sale, except a penalty for violation of laws regarding inspection; nor shall any municipal ordinance, which in any manner seeks to impose or subject him to any such tax, fee or penalty, have any force or effect, save

Mr. A. Mark Bliss

-2-

October 11, 1943

and except that all such products shall, in common with similar products offered for sale by persons who are not the producers thereof, be subject to inspection; but no municipal ordinance providing for such inspection shall be valid unless it applies in the same manner and on the same terms, to others offering similar products for sale."

Yours truly,

JOE CONWAY,  
Attorney General

EARL ANDERSON  
Chief Assistant  
Attorney General